

BEFORE THE

Federal Communications Commission

WASHINGTON, D. C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

) Amendment of Section 73.202(b),
) Table of Allotments,
) FM Broadcast Stations
) (Yermo, California).)MM Docket No. 93-74
RM-8153**COMMENTS**

KHWY, Inc. ("KHWY"), licensee of KRXV(FM), Yermo, California, by its attorneys, hereby submits comments in opposition to the proposed amendment of the FM Table of Allotments to allot Channel 287B1, in lieu of Channel 287A, to Yermo, California, and to modify the authorization of Station KYHT(FM), accordingly. See Notice of Proposed Rule Making, 8 FCC Rcd 2483 (Chief, Allocations Branch, 1993) ("NPRM"). Because the site-restricted area for Channel 287B1 does not provide line-of-sight coverage to Yermo, the proposal does not comply with the Commission's allotment policy and should be rejected.

DISCUSSION

It is well established that the Commission will not allot a channel "absent a reasonable assurance that transmitter

and Rules Division 1989); accord Pinckneyville, Illinois, 41 RR 2d 69, 71 [¶ 9] (Broadcast Bureau 1977). Once a substantial question is raised as to the availability of a site that meets the Commission's technical rules, the burden shifts to the

line-of-site to Yermo. Id. 1/ Moreover, the other portions of the site-restricted area encounter often worse obstruction from the Calico Mountains. See id. at 3.

service to [proposed community of license] to sanction an inadequate operation;" Commission rejects proposal not meeting city grade coverage and line-of-sight requirements). The proposed Yermo allotment must be rejected for failure to meet the fundamental line-of-site requirement.

Respectfully submitted,

KHWY, INC.

By:



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June 1, 1993

4018R/6619o

**ENGINEERING STATEMENT
ON BEHALF OF KHWY, INC.
RE OPPOSITION TO THE ALLOTMENT OF
CHANNEL 287B1 TO YERMO, CALIFORNIA**

JUNE 1993

**COHEN, DIPPELL AND EVERIST, P.C.
CONSULTING ENGINEERS
RADIO AND TELEVISION
WASHINGTON, D.C.**

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington)
) ss
District of Columbia)

Sudhir K. Khanna, being duly sworn upon his oath, deposes and states:

That he is a graduate electrical engineer, a registered professional engineer in the District of Columbia, and is Secretary-Treasurer of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio-Television, with offices at 1300 L Street, N.W., Suite 1100.

This engineering statement has been prepared on behalf of KHWY, Inc., licensee of FM broadcast station KRXV, Yermo, California in support of its comments on the proposed allotment of FM Channel 287B1 to Yermo, California.

In MM Docket No. 93-74, RM 93-74, Notice of Proposed Rule Making, the Commission has proposed an amendment of Section 73.202(b) (Table of Allotments) of its Rules to substitute FM Channel 287B1 for Channel 287A at Yermo, California. The new higher power FM channel would be reserved for station KYHT(FM) which is presently authorized to operate on Channel 287A at Yermo.

The proposed allotment of Channel 287B1 to Yermo, California does not comply with the requirements of Section 73.315 of the Commission's Rules.

The Commission has specified a reference site (N 35° 01' 39", W 116° 33' 51") for Channel 287B1 allotment to Yermo. This site is located approximately 27 kilometers (17 miles) northeast of Yermo to meet the minimum distance requirements of Section 73.207 of the Commission's Rules to FM stations KIQQ-FM, Channel 285A, Lenwood, KKGQ-FM, Channel 286B, Los Angeles and KDUQ(FM), Channel 289A, Ludlow, California. The attached map (Exhibit E-1) shows the reference site for Channel 287B1 in relation to the minimum separation arcs from KIQQ-FM and KDUQ(FM). Exhibit E-1 indicates the reference site is the closest possible site to the principal community in the fully-spaced area.

Section 73.315 of the Commission's Rules requires that a city grade (3.16 mV/m) service be provided to the entire community of license with line-of-sight FM

signals from the selected site. However, a review of the terrain between the site and Yermo indicates there is a major obstruction in the path. Part of the Calico Mountain range blocks the signal from the FM antenna to Yermo. This determination is based on the Channel 287B1 FM station operating with maximum ERP of 25 kW and its antenna radiation center located at a height above mean sea level to achieve 100 meters height above average terrain. The average terrain for eight cardinal radials between 3 to 16 kilometers from the site is computed to be 630.6 meters. Therefore, in order to achieve 100 meters HAAT, the antenna radiation center must be located at 730.6 meters above mean sea level. The ground elevation at the reference site is 646.2 meters (2120 feet) above mean sea level. Therefore, a tower height of approximately 90 meters (300 feet) would be required for 100 meters HAAT. The attached terrain profile between the site and Yermo indicates an FM antenna radiation center located at 730.6 meters above mean sea level can not provide line-of-sight signals to Yermo. The terrain profile is based on the 3-second computerized NAD 27 database, supplemented by the terrain information obtained from the 7.5 minutes USGS topographic maps of the area.

The Commission's Rules permit the class B1 FM stations to operate with higher antenna heights than 100 meters with equivalent reduction in power. However, it is estimated that a tower taller than 425 meters (1400 feet) above ground would be required to provide line-of-sight signals to Yermo from the reference site. Since the antenna site is located less than 2 miles from a major highway (Route 15), such a tall

tower may not be approved by the Federal Aviation Administration (FAA). The FAA normally does not allow structures taller than 500 feet near major highways, railroads or rivers since they are used for navigation by small airplanes. Therefore, the proposed Channel 287B1 facility would not be able to comply with Section 73.315 of the Commission's Rules.

In addition, a review of topography between the fully-spaced site area and Yermo indicates that higher elevation is not available when the site is moved in a north-easterly direction, farther away from the principal community. The area north of the reference site would also not be desirable since even higher intervening Calico Mountains would obstruct the FM signal to Yermo.

From the above analysis, it can be concluded that no suitable site would be available for the new FM facility to operate on Channel 287B1 to comply with Section 73.315 of the Commission's Rules. Therefore, the Commission should deny the request to allot Channel 287B1 to Yermo, California.



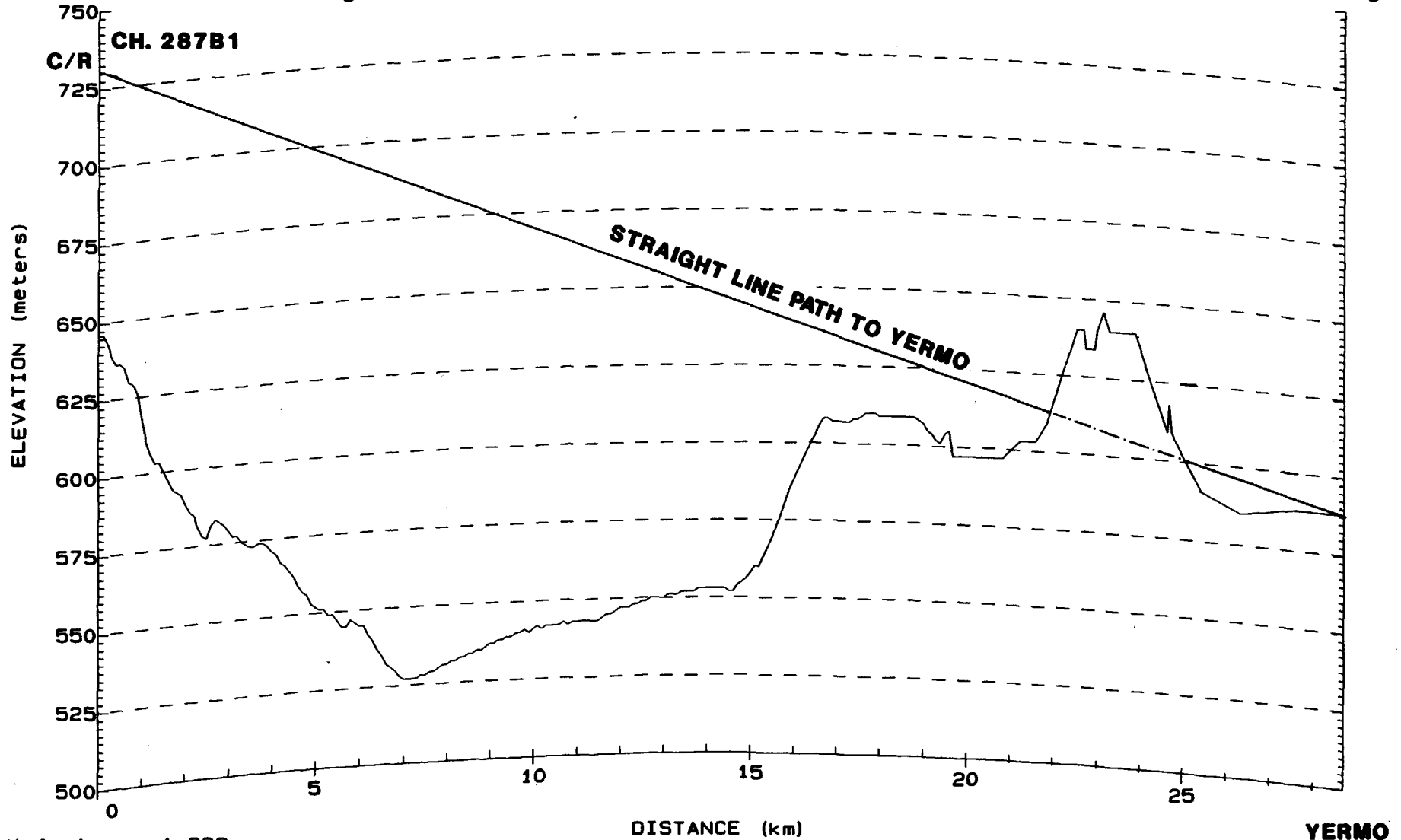
**AREA FOR CHANNEL 287B1
ANTENNA SITE**

**EXHIBIT E-1
FM ALLOCATION SITUATION
FOR THE PROPOSED ALLOTMENT OF
CHANNEL 287B1 AT
VERDE, CALIFORNIA**

Site: PROPOSED KYHT SITE
N 35 1 39 W 116 33 51
Ant. Elev. (AMSL): 730.6 m
Path azimuth: 239.71 degs.

Frequency: 105.3 MHz
Path Length: 28.7 km
Total Path Loss: 116.3 dB
Excess Path Loss: 14.2 dB

Site: YERMO, CALIFORNIA
N 34 53 47 W 116 50 14
Ant. Elev. (AMSL): 589.5 m
Path azimuth: 59.56 degs.



K factor: 1.333

3 Second Database - NAD 27

Rain loss: .0 dB

Urban loss: .0 dB

Foliage loss: .0 dB

COHEN, DIPPELL & EVERIST
Consulting Engineers
WASHINGTON, D.C.

PATH PROFILE

3 SECOND DATA BASE

MAY 1993

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June, 1993, a copy of the foregoing Comments of KHWY, Inc. was sent by First Class United States Mail, postage prepaid, to the following:

John F. Garziglia, Esquire
Pepper & Corazzini
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1776 K Street, N.W.
Washington, D.C. 20006



Tania M. Brown